IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 12298 of 2004(L)

PETITIONER:

K.J. THOMAS, SUB INSPECTOR OF POLICE,
IRRIGATION WING, KARIPUR AIRPORT,
MALAPPURAM DISTRICT.

BY ADV. SRI.N.MANOJ KUMAR,
SRI.M.RISHIKESH SHENOY,
SRI.P.C.GIRISH.

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DIRECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM.**
3. **INSPECTOR GENERAL OF POLICE, HEAD QUARTERS, SPECIAL BRANCH CID, THIRUVANANTHAPURAM-4.**
4. **THE COMMANDANT, OFFICE OF THE COMMANDANT, MALABAR SPECIAL POLICE (MSP) MALAPPURAM.**

BY GOVT. PLEADER SMT. N. SUDHADEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.12298/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. G2-6144/02 DTD. 06/05/2002 OF THE R.4.

EXT.P.2: COPY OF THE LETTER DTD. 19/03/2003 OF THE R.3. TO THE R.2.

EXT.P.3: COPY OF THE REPLY DTD. 02/07/2003.

EXT.P.4: COPY OF THE LETTER DTD. 10/02/2004.

EXT.P.5: COPY OF THE NOTICE NO. G2-11610/2002 M DTD. 25/03/2004.

EXT.P.6: COPY OF THE MEMO DTD. 06/09/2004 ISSUED BY THE R.4.

EXT.P.7: COPY OF THE REQUEST LETTER DTD. 14/09/2004 SUBMITTED TO THE R.4.

EXT.P.8: COPY OF THE LETTER DTD.2 3/09/2004 ISSUED BY THE R.4.

EXT.P.9: COPY OF THE LETTER SEND TO THE R.4.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH , J

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W.P.(C) NO. 12298 OF 2004

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Dated this the 10th day of August, 2007.

JUDGMENT

Petitioner approached this Court with certain grievances regarding a direction issued to vacate the quarters and also the subsequent development leading to levy of penal rent. According to the petitioner, since he had submitted his grievance before the Government and till the government turned down the request, the occupation cannot be termed as unauthorised. It is seen that the petitioner has submitted Ext.P9 to the 4th respondent. There will be a direction to the 4th respondent/competent authority to look into Ext.P9 with notice to the petitioner and pass appropriate orders thereon in accordance with law, taking note also the fact that the Government had rejected the request only as per Ext.P4 and till such time no coercive action was taken to evict the petitioner. Till action as above is taken, there shall be no recovery of penal rent.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

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